

**PLANNING AND ZONING COMMISSION
STAFF REPORT**

September 3, 2015



Rezoning case no. RZ15-16: RBA Investments

CASE DESCRIPTION: a request to change the zoning classification from Agricultural – Open District (A-O) to Commercial District 3 (C-3)

LOCATION: 1.487 acres of land adjoining the northwest side of State Highway 21 East, southwest from its intersection with Marino Road, currently addressed as 5735 East State Highway 21

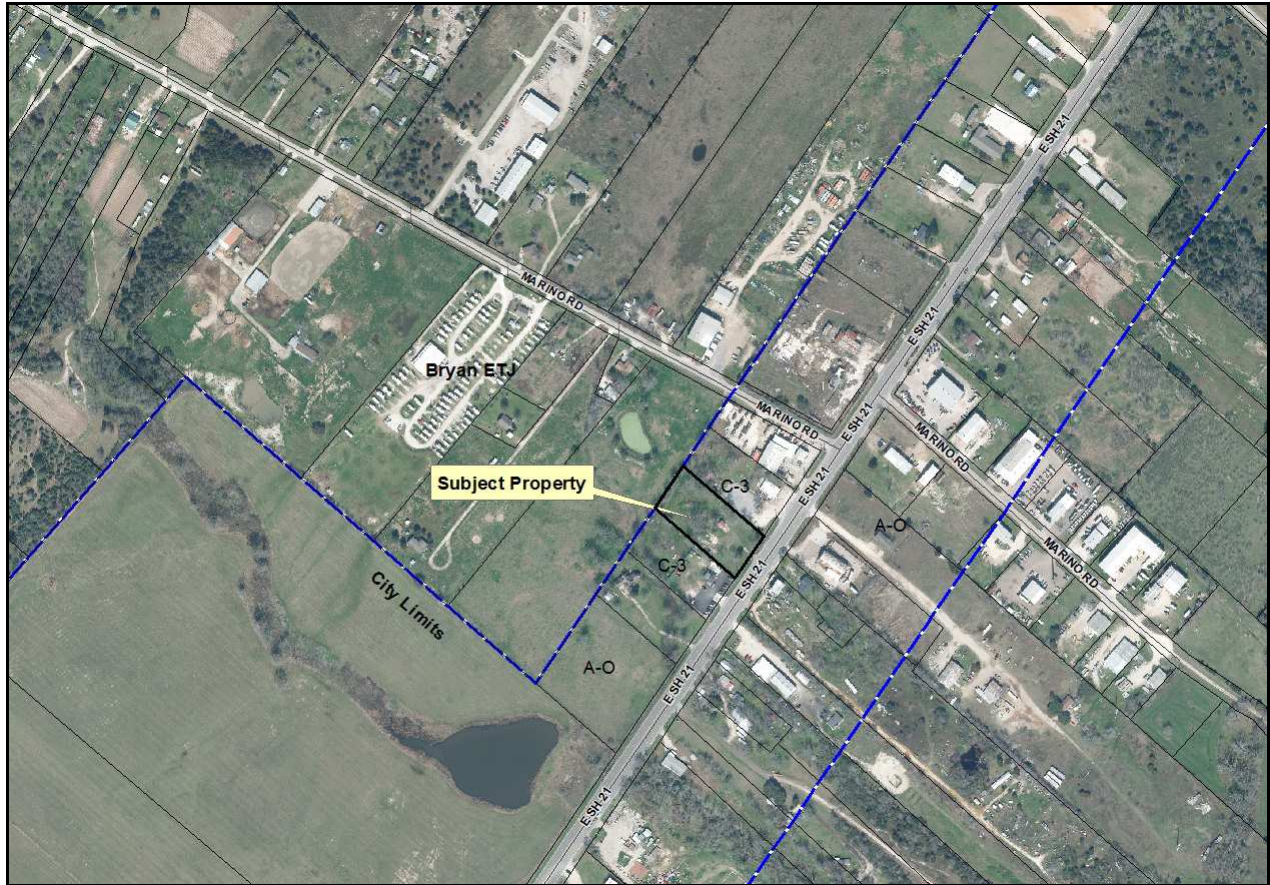
EXISTING LAND USE: storage shed – primarily vacant acreage

APPLICANT(S): RBA Investments – Jacob Stauffer, Property Owner

STAFF CONTACT: Stephanie Killam, Staff Planner

SUMMARY RECOMMENDATION: Staff recommends **approving** this rezoning request.





BACKGROUND:

The subject property is 1.487 acres in size and is located on the northwest side of State Highway 21, approximately 380 feet southeast of Marino Road. The subject property is currently zoned Agricultural – Open District (A-O). The property is primarily undeveloped with the exception of a small storage shed (approximately 24 feet by 22 feet) sitting back from the front property line 100+ feet. The subject property is sandwiched between adjacent properties that are zoned Commercial District – 3 (C-3). The adjacent property to the southwest is developed as Specialist Motor Sales, a preowned car sales lot. The adjacent property to the northeast is the Flying W Café, a restaurant. Further north from the Flying W Café is another commercial business – Mack Bolt and Steel.

Adjacent properties across Marino Road and northeast of State Highway 21 are also zoned C-3 District. Across State Highway 21 from the subject property, the current zoning is A-O District and current land uses include, Bruders Electric LLC, J & P Standard Transmission Shop, Kenworth Sales and Service, and sporadic residential homes folded in-between the commercial businesses. Properties north of the subject property are located outside of the City limits in the City of Bryan's extraterritorial jurisdiction (ETJ) and are therefore not regulated by Bryan's Zoning Ordinance.

The applicant, Jacob Stauffer of RBA Investments, has requested to change the zoning of these 1.487 acres from A-O District to C-3 District. The A-O zoning district is intended to provide a location for principally undeveloped or vacant land situated on the fringe of an urban area and used primarily for agricultural purposes, but may become an urban area in the future. The C-3 zoning classification is

intended to provide development opportunities for commercial service uses including heavy retail and commercial use which typically have operating characteristics or traffic service requirements of retail or shopping.

COMPREHENSIVE PLAN:

The City of Bryan's Comprehensive Plan is the framework for the establishment of zoning and other regulatory tools. The plan includes policies and recommendations related to the various physical aspects of the community. These aspects are supported by a set of goals and objectives. Among the goals supported by the policies are the development of attractive entrances to the City of Bryan by encouraging and promoting compatible infill and development in areas where these activities will benefit the city as a whole and the area specifically. One of the plan's objectives is to encourage a sustainable mix of land use types in suitable locations, densities and patterns and to identify areas for commercial development and preserve them with appropriate zoning. The Comprehensive Plan also suggests that commercial uses are appropriate at points of high visibility along arterial and major collector streets and at intersection of major streets.

ANALYSIS:

In making its recommendation regarding a proposed zoning change, the Planning and Zoning Commission shall consider the following factors in accordance with Zoning Ordinance Section 130-42(g).

1. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned and their relationship to general area and the City as a whole.

Staff believes the rezoning of the subject property from A-O to C-3 will be compatible with current and anticipated future development in the vicinity and in conformance with the land use recommendations of the comprehensive plan. The subject property is located between two properties that are already zoned C-3 District and that are developed with commercial businesses. State Highway 21 is lined with commercial businesses on both sides of the highway. Businesses are located on commercial and agriculture zoned property with homes sporadically located between businesses. Rezoning the subject property to C-3 District will support the orderly urban growth in this vicinity by encouraging future quality commercial development along one of the City's major entrances.

Staff believes that the proposed rezoning from A-O District to C-3 District on these 1.487 acres will allow for orderly urban growth at this particular location relative to its relationship with the surrounding area and adjacent properties.

2. Whether there is availability of water, wastewater, storm water, and transportation facilities generally suitable and adequate for the proposed use.

Per Bryan's Thoroughfare Plan, the subject property adjoins State Highway 21, which is classified as a freeway. The subject property is less than a quarter mile from Marino Road, which is classified as minor arterial street (40-foot pavement width with 80-foot right-of-way). State Highway 21 (60-feet wide with 110-foot right-of-way) can reasonably be expected to be capable of accommodating traffic loads typically associated with commercial development. Water services for any development at this location will be provided by the Wickson Creek Special Utility District.

3. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development.

The subject property is sandwiched between two C-3 zoned properties. In addition to the commercial property directly adjacent to the subject property, State Highway 21 is lined with commercial property and commercial development. Within a one mile radius north of the subject property there are 5 properties zoned C-3 District, 10 commercial businesses and 2 churches. Staff believes that this zone change request, if approved, will not make land classified for similar development in the vicinity and elsewhere in the City unavailable for development.

4. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.

Staff believes that commercial developments are developing at an average to slow pace in this vicinity and elsewhere in the City.

5. How other areas designated for similar development will be, or are unlikely to be, affected if the proposed amendment is approved, and whether such designation for other areas should be modified also.

Should the rezoning request be approved, staff believes that there will be few, if any, effects on other areas designated for commercial development. Many of the properties in the vicinity are currently vacant available for future urban development.

6. Any other factors which will substantially affect the health, safety, morals, or general welfare.

Staff contends that approving the rezoning request will allow for orderly development in accordance with the land use recommendations of the Comprehensive Plan, and provide for commercial development opportunities at an appropriate, highly-visible location, along one of the City's major entrances.

RECOMMENDATION:

Based on all of these considerations, staff recommends **approving** the proposed C-3 District, as requested, on these 1.487 acres of primarily undeveloped land.